IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

O.P.No. 17085 of 2000(H)

PETITIONER:

S. SHEIKH MEERAN RAWTHER,
MEMBER (DEPARTMENTAL),
KERALA AGRICULTURAL INCOME TAX AND
SALES TAX APPELLATE TRIBUNAL,
C.P.G.P. LANE, SASTHAMANGALAM,
THIRUVANANTHAPURAM-10.

BY ADV. SRI.V.P.SUKUMAR
SMT.V.BEENA
SRI.BOBBY JOHN

RESPONDENTS:

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1. THE PRINCIPAL SECRETARY TO GOVERNMENT
   TAXES(D) DEPARTMENT, SECRETARIATE,
   THIRUVANANTHAPURAM.

2. THE STATE OF KERALA, REPRESENTED BY THE
   CHIEF SECRETARY, SECRETARIATE,
   THIRUVANANTHAPURAM.

R1& R2 BY GOVERNMENT PLEADER SRI. NOBLE MATHEW

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON C.MP.NO.28085 OF 2000 IN O.P.NO.17085 OF 2000

DISMISSED

15.01.2007 Sd/- SIRI JAGAN, JUDGE

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE PETITION DATED 21.4.1998 SUBMITTED BY SRI.P.K.KUMARAN M.L.A. BEFORE THE HON'BLE MINISTER FOR FINANCE.

EXT.P2: COPY OF G.O(RT) 251/98/TD DATED 24.4.1998 ISSUED BY THE FIRST RESPONDENT SUSPENDING THE PETITIONER FROM SERVICE.

EXT.P3: COPY OF MEMO OF CHARGES DATED 15-10-1998 ISSUED BY THE SECRETARY TO GOVERNMENT.

EXT.P4: COPY OF THE REPLY DATED 26.2.1999 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

EXT.P5: COPY OF THE ENQUIRY REPORT DATED 10.8.1998 SUBMITTED BY THE ENQUIRY OFFICER.

EXT.P6: COPY OF THE ORDER NO.G.O(RT) 857/99/TD DATED 30.11.1999.

EXT.P7: COPY OF THE NOTICE DATED 6.1.2000 ISSUED BY THE K.N. VILASINI ADDITIONAL SECRETARY.

EXT.P8: COPY OF THE REPLY DATED 24.1.2000 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

EXT.P9: COPY OF THE ORDER NO.G.O.(RT) 169/2000/TD DATED 7.3.2000.

TRUE COPY

P.A.TO JUDGE

S.SIRI JAGAN,J

O.P.NO.17085 OF 2000

DATED THIS THE 15TH DAY OF JANUARY,2007

JUDGMENT

In O.P.No.18054 of 1998 I had occasion to consider the travails of the petitioner on account of certain ill-will by the respondents towards the petitioner for some reason which was found to be true by this court in the judgment dated 24.11.2000 in Writ Appeal No.2635 of 2000. This Original Petition has some nexus with that Original Petition. The petitioner was suspended from service on certain allegations of misconduct pursuant to a complaint filed by a Member of Legislative Assembly that the petitioner misbehaved with him. Ultimately, by virtue of orders of this court, the petitioner was reinstated in service on 11.8.1998. Subsequently, the disciplinary proceedings ended letting off the petitioner with a warning to be more careful in future, by Ext.P6 order. The issue involved in this Original Petition is the regularisation of the petitioner's service for the period of his suspension. By Ext.P9 order it was directed that the

petitioner's period of suspension from 25.4.1998 to 11.8.1998 would be treated as duty for all purposes except pay and allowances by limiting the same to 80%, less the subsistence allowances already paid as per rule 56 B(5), Part I of Kerala Service Rules. Exts.P6 and P9 order are not challenged in this Writ Petition. In view of the Division Bench decision mentioned above holding that the respondent had some axe to grind against the petitioner, I would have been inclined to go into this question further. But in view of the fact that the petitioner has already retired from service 31.3.2001, I think that it is not necessary to consider the same any further. In this connection it may be noted that it had been directed in O.P.No.18054 of 1998 that the respondents shall give the petitioner his due promotion also with effect from 6.8.1998. In view of these circumstances I feel that situation as it is should be allowed to remain.

Accordingly the Writ Petition is closed.

S.SIRI JAGAN,JUDGE

dvs